

SUMMARY OF PROPOSED COMMITTEE DRAFT

BILL 59 (2016), CD1

RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

The PROPOSED CD2 makes the following amendments:

- A. Section 1 of the Bill is amended to add findings regarding the Council's intent concerning the amendments in the Bill.
- B. The definitions for "Compostable plastic bag" and "Reusable bag" are deleted and the definition for "Plastic checkout bag" is amended.
- C. Section 9-9.2 is amended to prohibit businesses from providing plastic checkout bags and non-recyclable paper bags unless the business charges a fee of not less than ten cents per bag. Businesses may provide bags, with or without charge, to protect or transport prepared foods, beverages, or bakery good.
- D. The effective date of the Bill is changed from July 1, 2017 to July 1, 2018.
- E. Makes technical and nonsubstantive changes.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **59 (2016), CD2**

PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to regulate the use of bags provided to customers.

The Council finds that to protect health, life and property and preserve the order and security of the City and its inhabitants, and, in furtherance of the findings and determinations set forth in Revised Ordinances of Honolulu 1990, as amended, Section 9-1, relating to the collection and disposal of refuse, this ordinance is intended to reduce the volume of plastic and non-recyclable paper bags that are disposed of as solid waste.

SECTION 2. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by deleting the definition of "compostable plastic bag" and "reusable bag" and amending the definition of "plastic checkout bag" to read as follows:

~~"["Compostable plastic bag" means a checkout bag that is provided to a customer for the purpose of transporting groceries or other retail goods, that meets current ASTM D6400 Standard Specifications for compostability and that is labeled:~~

- ~~(1) With the Biodegradable Product Institute ("BPI") logo as meeting the ASTM standard for compostability; and~~
- ~~(2) With "Compostable" on both sides of the bag in either green color lettering that is at least one inch in height, or as otherwise specified; or within a green color band that is at least one inch in height in order to be readily and easily identifiable.]"~~

""Plastic checkout bag":

- (1) Means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and is made from ~~[non-compostable]~~ plastic ~~[and not specifically designed and manufactured for multiple re-use];~~
- (2) This term does not include:
 - (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or



A BILL FOR AN ORDINANCE

small hardware items;

- (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
- (C) Bags used to protect or transport prepared foods, beverages, or bakery goods;
- (D) Bags provided by pharmacists to contain prescription medications;
- (E) Newspaper bags for home newspaper delivery;
- (F) Door-hanger bags;
- (G) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- (H) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
- (I) Bags used to contain live animals, such as fish or insects sold in pet stores; or
- (J) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer[; ~~or~~
- ~~(K) Compostable plastic bags]."~~

~~"["Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of: (1) cloth or other washable fabric; or (2) durable material suitable for reuse, including plastic that is at least 2.25 mils thick.]"~~

SECTION 3. Section 9-9.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-9.2 ~~[Ban on]~~ Regulation of plastic checkout bags and non-recyclable paper bags.

Businesses shall be prohibited from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise unless the business charges a fee of not



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **59 (2016), CD2**

A BILL FOR AN ORDINANCE

less than ten cents per bag. Nothing in this article shall preclude a business from making available to customers, with or without charge, at the point of sale, ~~[-1) reusable bags, compostable plastic bags, or recyclable paper bags for the purpose of transporting groceries or other merchandise; or 2) non-recyclable paper]~~ bags to protect or transport prepared foods, beverages, or bakery goods."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **59 (2016), CD2**

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect on July 1, 2018.

INTRODUCED BY:

Brandon Elefante

DATE OF INTRODUCTION:

September 28, 2016
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu